

Exhibit 12

McDougall, Michael

From: ^FOIA Public Liaison <FOIA.Public.Liaison@ssa.gov>
Sent: Monday, September 10, 2018 6:46 AM
To: McDougall, Michael
Cc: Chyn, C. T. Monica
Subject: RE: [EXTERNAL] FOIA Ref. No. S9H: SSA-2017-001087

Mr. McDougall:

Our apologies on the delay of the email summary of our August 14, 2018 meeting. You are correct: We will provide an interim response on those individuals for whom our record of death is not based on State death data. We are working on that part of the request; however, please allow some time for the necessary redactions to the requested SSIDs.

As concerns the August 14th meeting, please see the summary below:

We received the CWF screens you supplied in regards to FOIA request SSA-2017-001087. However, these screens are foreign to the FOIA Team (i.e., we are not familiar with them). We understand from you that the screen shots are findings from HHS/CMS; however, without certification from HHS/CMS, we have no proof of the documents validity.

We also understand that the CWF is accessed by certain SSA and CMS staff in the administration of the Medicare program (under an agreement between both agencies); however, SSA's access to the CWF is limited to what is permissible under that agreement; i.e., access is only for Medicare purposes and the FOIA office does not have privileges to access the CWF system for FOIA purposes.

As concerns SSA's maintenance/storage of State death data, we have greatly changed the death process within our agency. Our systems are funneled so there is one system that holds the source of the record of the death (the Numident) which then is funneled to other systems. Every year, the States have been our primary source of death information. State death information cannot be over-tracked in our systems. Additionally, State death information is exempt from disclosure under the FOIA; therefore, if a State death record is our source of death, we require the FOIA requester to provide proof of death before we can release the requested record. Acceptable proofs of death were provided in our April 11, 2018 letter.

While we wait for proper proof of death for the 117 individuals we identified via spreadsheets/enclosures to our April 11, 2018 letter, we will move forward with the rest of the individuals for whom our source of death is not the State. Please allow time for our redactions to those requested SSIDs.

Thank you,
The FOIA Public Liaison
SSA/OPD

From: McDougall, Michael <mmcdougall@akingump.com>
Sent: Friday, September 07, 2018 5:57 PM
To: Chyn, C. T. Monica <C.T.Monica.Chyn@ssa.gov>; ^FOIA Public Liaison <FOIA.Public.Liaison@ssa.gov>
Subject: [EXTERNAL] FOIA Ref. No. S9H: SSA-2017-001087

Dear Ms. Chyn,

Thank you and your staff for making time to speak with us last month concerning the above-captioned FOIA request.

When our call concluded, I was under the impression that we could expect an interim response to our FOIA request in the near future, along with a summary of your office's position as to the need for additional certification of the Medicare Common Working File screens that we provided at your request. A few weeks have now passed since our call, so I wonder if you might (a) confirm my understanding as to where things stand, and (b) provide an update regarding the interim response.

Thank you for your attention to this matter, and please do not hesitate to contact me if I can provide any additional information.

Have a nice weekend.

Sincerely,

Mike McDougall

Michael J McDougall

AKIN GUMP STRAUSS HAUER & FELD LLP

1333 New Hampshire Avenue, N.W. | Washington, DC 20036-1564 | USA | Direct: [+1 202.887.4433](tel:+1202.887.4433) | Internal: [24433](tel:24433)

Fax: +1 202.887.4288 | mmcdougall@akingump.com | akingump.com | [Bio](#)

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